

5 April 2018

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission, Washington, DC

RE: Notice of Ex parte, Docket WC 17-59

Dear Ms. Dortch,

David Frankel met on 5-April with Jerusha Burnett, Kurt Schroeder, John Adams, Kristi Thompson and Eric Burger.

Mr. Frankel reported that the industry is coalescing around the notion that illegal robocallers and their enablers are the common enemy. Most agree that stopping the calls at the source could have the largest effect on illegal call volume. Efforts are underway with respect to development of best practices and self-regulation.

Using the attached slides, Mr. Frankel recommended that the Commission initiate a rulemaking imposing obligations on Originating Providers to: constrain the circumstances under which customers can make large volumes of calls; use the Charge Number information element (or the SIP equivalent) to label all calls as to their PSTN point of entry; and provide expeditious response to industry traceback queries.

Regards,

/s/

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cc: Meeting Participants, via E-mail

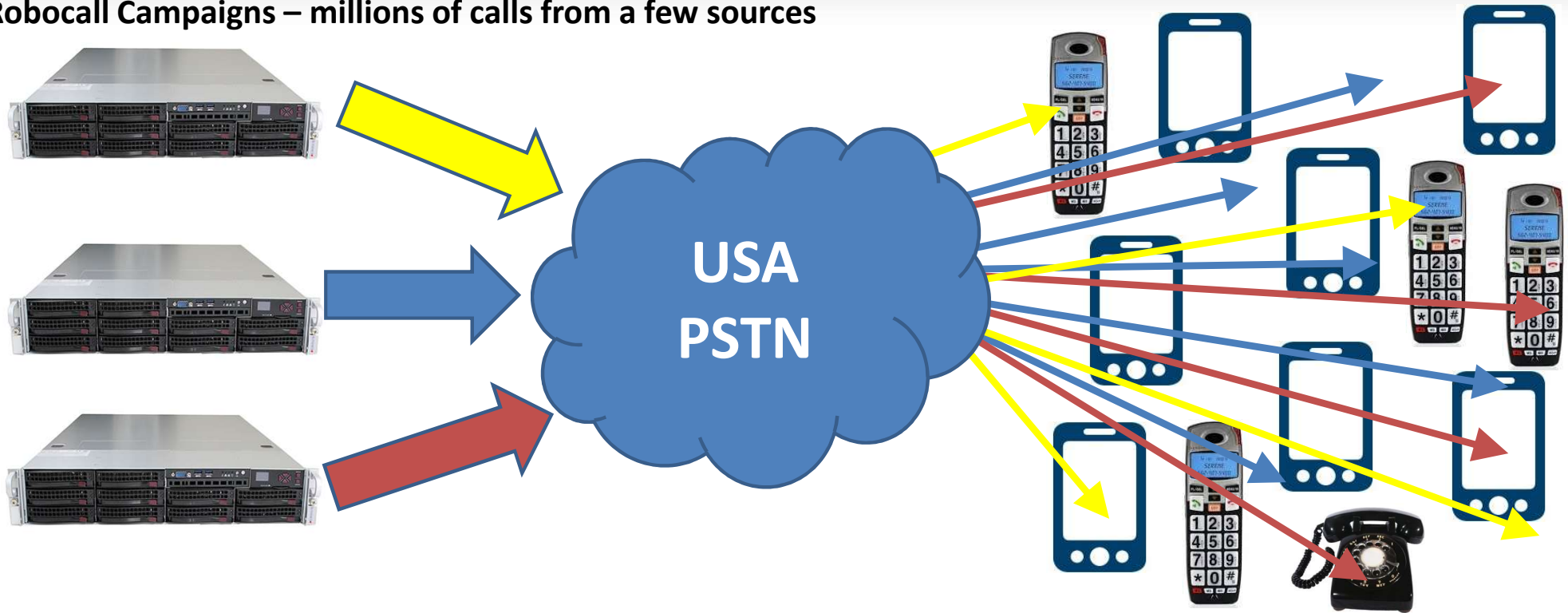
Stopping Robocalls @ The Source

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Robocalls = Dandelions

Robocall Campaigns – millions of calls from a few sources



Hundreds of millions of endpoints needing protection

Direct Some Energy to Stopping Calls @ Source

- Much easier to identify problematic calls as they enter the network
- Legality of blocking not an issue if calls are rejected directly to caller
- From Verizon comments on recent FNPRM:
 - *[I]ndustry and government should redouble efforts to address the problem at the source.*
- The notion that this problem, facilitated by VoIP and cheap calling rates, is an intractable, unsolvable problem is incorrect – even for calls originated outside the United States.
- We don't have a silver bullet, but we can make a huge dent in the problem for relatively low cost (not ZERO) by putting some focus on the source of the calls.

Originating Providers ~~Should Be~~ Are Key Allies in the Fight

- Every USA PSTN call enters the network through an ORIGINATING provider
 - Even for calls originating overseas
- Some Providers (Carriers, Interconnected VoIP, Non-Interconnected VoIP):
 - Work proactively to mitigate illegal robocalling
 - While others are oblivious to the robocalling problem or unknowingly enable it
 - And some actively solicit robocallers, legal or otherwise
- Originating Providers have an ~~opportunity~~ obligation to play a strategic role
 - See robocalls in aggregate & observe characteristic patterns
 - Vet callers before they inflict too much damage
 - Encourage legit robocallers to play by the rules
 - Help shut down the biggest illegal abusers
 - Raise the hurdles for new illegal robocalling operations

Industry Cooperation & Self-Regulation

Illegal Callers	Legitimate Callers
Call to random numbers or unvalidated list	Call only scrubbed numbers relevant to campaign
Neighbor spoofing, tumbling or “local” Caller-ID	Single Caller-ID for a given campaign
Generic Caller Name (“Card Services”)	Company/Brand-specific Caller Name
Hang up on voice-mail	Recognize & deposit a single, concise message
Obscure delays & obtuse greetings on answer	Minimize PD delay; identify call origin and purpose
Callback yields generic message, if any	Campaign-specific message & how to get more info
No or sketchy web presence	Full-service web page tied to Caller-ID
No oversight	3 rd party audit & compliance processs
WORST PRACTICE	BEST PRACTICE

Is There a Regulatory Opportunity?

- Step 1 is industry cooperation/self-regulation
 - Joint efforts among legitimate callers, providers, analytics, consumers & advocates
 - Distance the legitimate callers from the illegal robocallers – common enemy!
- Can the regulator could be helpful?
- FCC has authority over Carriers, (Non-) Interconnected VoIP Providers
- How to reign in the troublesome providers?
- All originating providers should do three things:
 - Permit volume calling only by vetted originators
 - Include a Billing Telephone Number linked to the Originating Provider
 - Cooperate with industry traceback efforts

Limitations on Volume Calling

- Default to reasonable limits
 - Calls per minute
 - Simultaneous calls
- Exception for vetted customers
- Legitimate volume call originators subscribe to published best practices
- Third-party auditing and compliance
- Referenceable by providers, analytics companies, regulatory enforcement

Use of Billing Telephone Number

- BTN already exists in SS7 (Charge Number) & SIP (P-Charge-Info)
- BTN is supported in existing equipment and interworking is specified
- 47 CFR 64.1601(1) & (2) already require propagation without alteration
- For consumer-initiated calls, BTN will typically not differ from Caller-ID
- BTN is distinguished when:
 - Commercial caller uses an alternative provider for outbound traffic (call termination)
 - Calls are placed “on behalf of” another number, or incoming calls are forwarded
 - Calls are originated from outside USA
 - Wireless subscriber roams off-network
- Requiring a BTN tied to the originating provider means:
 - Better traceability
 - More efficient enforcement / deterrence
 - Enhanced effectiveness of terminating call-blocking tools
 - Apps can better identify incoming calls & display associated info
 - Ability to invoke better treatment for legal calls

Expedited Traceback

- An originating provider should respond to a traceback request for a given terminating number when the provider for that number, or their designee, makes a request
- Each originating provider should publish contact info for these requests
- Allows for rapid identification of the source of problematic calls
- Enables originating provider to take corrective action with their customer
- Allows regulatory enforcement to act if necessary
- Makes more efficient use of enforcement resources

Parallels to Latest Rural Call Completion Order

- Reiterates FCC authority over Originating Providers
- Holds Provider accountable for select network issues
- Describes monitoring requirements, both prospective and retrospective
- Promotes industry cooperation
- Explores use of contact lists and response times
- Encourages use of contractual language to assure performance
- Invokes use of best practices
- Includes safe harbors and reporting requirements
- Does not excuse willful ignorance
- Discusses available penalties

Recommendation

- FCC should initiate a rule-making to engage ALL Originating Providers in the fight against illegal robocalls
- Elements to consider:
 - Limitations on volume calling with exception for vetted callers
 - Provider-supplied Billing Telephone Number
 - Cooperation with traceback efforts
 - Reporting mandates & safe harbors
- Leverage learnings from RCC